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Fifteenth report of the Secretary-General on the United Nations Organization Mission in the Democratic Republic of the Congo

I. Introduction

1. The present report is submitted pursuant to Security Council resolution 1493 (2003) of 28 July 2003, by which the Council extended the mandate of the United Nations Organization Mission in the Democratic Republic of the Congo (MONUC) until 30 July 2004, and Council resolution 1417 (2002) of 14 June 2002, by which the Council requested the Secretary-General to report to it at least every four months on the implementation of the resolution. The present report covers major developments since my report of 17 November 2003 (S/2003/1098).

II. Political transition

2. During the reporting period, the principal political institutions of the transition continued to function and several steps were taken towards the implementation of key provisions of the Global and All-Inclusive Agreement on the Transition. Yet, overall progress remained slow, in particular with regard to the legislative agenda; the extension of State administration; military integration; disarmament, demobilization and reintegration; and preparation for elections.

3. Furthermore, tensions within the Transitional Government have increased. In this connection, President Joseph Kabila's letter to the Supreme Court of 23 December 2003 seeking confirmation of his sole legal authority over the appointment of governors and control over military intelligence was criticized by some members of the Transitional Government as undermining the principles of power-sharing. The divisions between members of the Council of Ministers along party lines over the demands to remove the Minister of Tourism and the Minister of Transport also affected the functioning of the Transitional Government. The tensions in Bukavu in February (see paras. 34-37 below) further highlighted the difficulty associated with extending State authority and the existence of parallel security structures within the Transitional Government. The International Committee in Support of the Transition has actively sought to restore confidence by meeting with President Kabila and each of the four Vice-Presidents.

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4. While domestic difficulties persisted, the Transitional Government increased its international profile. At a meeting of the Consultative Group for the Democratic Republic of the Congo, held in Paris from 17 to 19 December, donors confirmed financial contributions of some $1.1 billion for disbursement in 2004 and $1.2 billion in 2005, as well as pledges exceeding $3.9 billion for the years 2004 to 2006. On 13 and 14 January, during a State visit by President Thabo Mbeki of South Africa, who was accompanied by six government ministers and prominent private sector representatives, a multisectoral cooperation agreement on strengthening and financing the Democratic Republic of the Congo, including in the areas of defence, education, tourism and mining over a 30-year period, was signed. From 2 to 9 February, President Kabila visited Berlin, Brussels, London and Paris to seek diplomatic support for the transitional process.

Legislative delays

5. The ordinary session of Parliament having concluded on 3 January with many items remaining on its agenda, an extraordinary session opened on 7 January to address the heavy backlog of vital legislation, including laws on national defence and armed forces, political parties, the institutions in support of democracy, decentralization, the constitution and the 2004 budget. To date, only the laws establishing the Independent Electoral Commission, the High Media Authority, the Ethics and Anti-corruption Commission and the National Human Rights Observatory, as well as the law on political parties, have been adopted by the National Assembly. The laws must be approved by the Senate before being formally promulgated. While the draft law on the Independent Electoral Commission has been approved by both houses of Parliament, certain provisions judged to be unconstitutional are currently under review.

6. One key issue related to legislative delays is the lack of material and human resources for the Parliament. Shortly after the opening of the extraordinary session, parliamentary activity was temporarily paralysed as its administrative staff went on strike to protest the non-payment of salaries for nearly six months. While the Transitional Government has since paid three months' back salary, the other outstanding arrears and regular salaries since then have not been paid.

Security sector reform

Military integration

7. Initial steps were taken towards restructuring and integrating the national army, to be known as the Forces armées de la République démocratique du Congo (FARDC). A draft law on defence and the armed forces, which was approved by the Council of Ministers in January, is under consideration by the National Assembly. The Transitional Government issued decrees establishing a Commission de contrôle des effectifs de l'armée, charged with overseeing the identification of elements belonging to hitherto different military organizations, and the État-Major technique d'intégration, which is to plan and undertake the operational aspects of integration.

8. On 12 January, President Kabila swore in one military region commander and two deputy commanders, replacing previous nominees who had not reported to duty. While some military region commanders in the eastern part of the Democratic

Republic of the Congo have begun to assemble former combatants in anticipation of their integration into FARDC, the lack of a clear plan, coupled with insufficient financial and logistical support, has seriously hindered those efforts. The gathering of Mayi-Mayi combatants without basic support actually increased insecurity and tension in some areas.

9. Through Belgian bilateral assistance, senior military officers from all armed components participated in two seminars held in Kinshasa, in November 2003 and January 2004, to plan military integration. The Government of Belgium, together with other partners, began training the first integrated Congolese brigade in Kisangani on 9 February 2004, with the first battalion to be completed shortly. This welcome initiative is a first key step of military integration in the Democratic Republic of the Congo. However, the lack of equipment and sustainment for the brigade has raised serious concerns regarding its future operational capacity. As the success of the brigade will be important to the transitional process, an appropriate post-training mission for the Congolese brigade should be planned, and the location of its deployment should be closely coordinated with MONUC.

Disarmament, demobilization and reintegration

10. As indicated above, on 18 December the Transitional Government established an inter-ministerial committee to oversee the planning of a national disarmament, demobilization and reintegration programme and its policies, a commission to coordinate and implement the national programme and a Committee for the Management of Demobilization and Reintegration Funds. While the World Bank has approved an initial advance of $1.3 million to assist the Government to establish the commission, disbursement of the funds is contingent on the nomination of the national coordinator, which has yet to take place. The Multi-Country Demobilization and Reintegration Programme, administered by the World Bank, is expected to provide funding for the national disarmament, demobilization and reintegration programme in the Democratic Republic of the Congo. Pending the finalization of that programme, $8 million (out of an approved total of $19 million) has been disbursed under the Multi-Country Demobilization and Reintegration Programme towards special projects for interim activities.

11. The national disarmament, demobilization and reintegration programme, which is in preparation, is expected to be submitted to the Board of the World Bank in May in connection with the funding proposal. Now that the national programme is in the process of being finalized, work has begun, with the participation of MONUC, on the elaboration of a joint operational plan outlining the respective contributions and roles of all partners in the implementation of the disarmament, demobilization and reintegration plan.

12. Pending the development of the national programme, it is expected that MONUC will assume the following functions, within its current resources, in support of disarmament, demobilization and reintegration: (a) monitoring of disarmament and demobilization, including the registration and storage of arms; (b) carrying out the voluntary disarmament of individuals and small groups outside the government-administered centres, including the destruction of arms and ammunition surrendered; (c) providing assistance in the destruction of all other arms and ammunition at the Government's request; (d) transporting supplies to the disarmament, demobilization and reintegration centres on a space-available basis on

regular flights; and (e) monitoring and providing of advice on human rights and child protection. Once the national programme is finalized, MONUC will review whether additional measures need to be carried out by the Mission.

13. The lack of a national disarmament, demobilization and reintegration programme has presented operational problems for MONUC as numerous Mayi-Mayi have requested to be disarmed or reintegrated into the national army. To assist the Transitional Government in meeting emergency disarmament needs in the eastern part of the Democratic Republic of the Congo, MONUC will undertake some voluntary disarmament, primarily as a security measure. In the meantime, MONUC and the United Nations Development Programme (UNDP) are planning how to effectively utilize the rapid-response mechanism, which is a financial and operational tool managed by UNDP aimed at providing a quick response to a wide range of contingencies in connection with disarmament, demobilization and reintegration, pending the establishment of the national programme.

Protection of transitional leaders

14. The lack of training and coordination for bodyguards of the transitional leaders in Kinshasa and elsewhere has yet to be addressed properly. Although some of these personnel have been given official status in the Congolese national police, the close protection corps has not yet been formally established. Many of the bodyguards are irregularly and poorly paid and are ill disciplined. Several minor clashes between individual bodyguards were kept under control by the military contingent of MONUC, known as the "neutral force" (1,000 all ranks), and civilian police officers, who are part of the multilayered security confidence-building system for transitional leaders in Kinshasa. The accidental discharge of a rocket-propelled grenade in Kisangani on 29 January by a bodyguard of General Padiri, commander of the eighth military region, further underscored the need for all bodyguards to undergo training in the basic handling of weapons, which MONUC has offered to provide through its civilian police component.

National police

15. For the Transitional Government, the reform and restructuring of the Congolese national police is a major goal. To this end, the progressive transformation of the national police into a professional, non-politicized body — responsible for internal security, in accordance with the constitution and applicable legislation and human rights standards — is necessary. Progress towards this goal has been stymied by delays in the appointment of a unified police command, which is a prerequisite for the proposed national police reform planning seminar in which MONUC would assist.

16. Two decrees authorizing the establishment of the Integrated Police Unit for Kinshasa were issued on 16 December 2003. The European Union, which is supporting the training and assistance of the Unit, has allocated funds for this purpose and is expected to start training activities in mid-June. The training of the Unit, which will serve as the nucleus of the future police service, will provide a much-needed impetus in advancing the process of establishing an integrated police service in the Democratic Republic of the Congo.

The way forward

17. On 9 February, the United Nations convened a meeting in New York between the Transitional Government and a number of Member States concerned to review the status of security sector reform and to reach a common understanding on the key issues that needed to be addressed urgently to meet the timetable for the transition. It was agreed that the Transitional Government must take immediate steps to develop a comprehensive national security sector policy; to make budgetary provision for the establishment and maintenance of security entities; and to ensure that the national security sector reform and disarmament, demobilization and reintegration bodies coordinate their work under a common vision and strategy.

18. A number of key military reform issues were also agreed upon, including: expediting the review and adoption of the law on the general organization of defence and the armed forces; establishing the conseil supérieur de la défense; adopting and implementing a coherent, cost-effective and realistic military integration plan complemented by a comprehensive national disarmament, demobilization and reintegration programme; producing coherent, timely, effective and sustainable plans for the deployment of integrated FARDC units; and refurbishing military facilities and training centres. On police reform, agreement was reached on the need to elaborate the future role of the police service by holding a national seminar on police issues, to adopt decrees appointing the national police high command, to establish the close protection corps, to designate the command structure of the Integrated Police Unit and to refurbish police training centres.

19. The participants also agreed to set up an advisory group on security sector reform to assist the Transitional Government to plan and implement its reform policies, to ensure that adequate funds are made available for immediate disarmament requirements, pending the implementation of a national programme, and to establish a donor coordination mechanism, under the joint chairmanship of the Transitional Government and MONUC, to review progress in security sector reform every three months.

Progress towards elections

20. Elections are due to be held by 30 June 2005, in accordance with the transitional constitution. A key step in the process will be the adoption of an organic law establishing a viable Independent Electoral Commission responsible for the organization and supervision of elections. Other key laws on nationality, decentralization, amnesty and political parties must also be adopted, and a post-transition constitution must be drafted and submitted to a national referendum. In the coming weeks, decisions will be needed in key areas such as the type of voter registration, demarcation of constituencies and the electoral system.

21. On 24 November, President Kabila requested the United Nations to assist in the organization of the constitutional referendum and elections and in the coordination of international assistance for the electoral process. Accordingly, MONUC has convened an international technical committee on the electoral process, which meets weekly under the Mission's chairmanship. The Committee comprises representatives of several international partners, as well as the Chairman of the Independent Electoral Commission. The United Nations also completed the second phase of a feasibility study on the holding of elections in close cooperation

with the International Organization of la Francophonie, the European Union and the International Foundation for Election Systems/United States Agency for International Development. The feasibility study outlined a number of options for voter registration, the delimitation of electoral districts and electoral systems indicating the advantages and disadvantages of each option, as well as the related costs. The study is now under consideration by the Transitional Government.

Normalization of relations with neighbouring States

22. As a further step to the ongoing rapprochement between the Democratic Republic of the Congo and its neighbours, the Government of Rwanda nominated an ambassador to the country on 3 March. Nevertheless, after showing remarkable progress at the end of 2003, the pace of normalization of bilateral relations between the Democratic Republic of the Congo and its neighbours has slowed down. The Transitional Government has yet to follow up on the agreed-upon confidence-building measures with its neighbours, such as setting up a joint bilateral commission with Rwanda. Meetings of the joint security commission of the Democratic Republic of the Congo and Uganda were postponed several times during this period.

III. Advancing peace and security

Ituri

Deployment of the Ituri brigade

23. Since November 2003, the MONUC Ituri brigade has consolidated its positions in Bunia and deployed to seven locations in the interior of the region: Iga Barrière, Bogoro, Fataki, Kpandroma, Mahagi, Marabo and Tchomia. The final phase of deployment of the brigade will culminate when it deploys to Aru and Mongbwalu at the end of March. With the extension of the brigade, stability returned to some areas. In Fataki, for instance, some 10,000 internally displaced persons have returned since the deployment of the brigade on 5 November.

24. Nevertheless, volatility in Ituri has increased as a result of a combination of factors, including restricted operating space for armed groups with the extension of Ituri brigade operations, slow progress in the integration of the district into national structures, possible involvement of external actors and delays in launching a local disarmament and reintegration initiative. These factors have contributed to a new pattern of shifting alliances of the armed groups operating in the region, no longer necessarily along ethnic lines. One group, the Union des patriotes congolais (UPC), has split into two factions: one loyal to its president, Thomas Lubanga (UPC-L), and the other loyal to his former chief of staff, Floribert Kisembo (UPC-K). The Front des nationalistes et intégrationnistes/Forces de résistance patriotiques en Ituri (FNI/FRPI) and UPC-L have been conducting joint operations. On 11 February, the Forces armées du peuple congolais, the Parti pour l'unité, la solidarité et l'intégrité du Congo and FNI issued a declaration in Kampala announcing the creation of yet another alliance, although its current status is unclear.

25. Since 1 December 2003, reflecting an apparently new trend among militia hardliners to deliberately target MONUC, there have been some 20 separate attacks on the Mission, including on its aircraft and patrols in Kasenyi (16 January) and near Iga Barrière (19 and 20 January). In Bunia, death threats against both civilian and military MONUC personnel have been received, and on 12 February a MONUC military observer was killed when UPC-L ambushed a MONUC convoy en route to Bunia, returning from a human rights investigation in Katoto. As a result of these attacks, the Ituri brigade has raised its force posture, taking additional preventive measures through patrols, augmented checkpoint control and cordon and search operations, which have recovered a steady flow of arms and ammunition both in and outside Bunia.

Ituri Interim Administration and the role of the Transitional Government

26. During the reporting period, there has been some limited progress in solidifying the political process in Ituri. On the positive side, the meeting on 17 December 2003 of the Comité de concertation des groupes armées (CCGA) in Bunia agreed, in principle, to launch a pilot disarmament project. Since then MONUC, the Pacification and Verification Commission of the Ituri Interim Administration and members of CCGA have continued to verify the Ituri armed groups' designated assembly areas to prepare for the disarmament of the groups. On 20 January, the Vice-Minister of Demobilization formally adopted the Ituri operational plan for disarmament and community reintegration. The plan was jointly prepared by the Transitional Government, UNDP, the United Nations Children's Fund (UNICEF) and MONUC through the Ituri-based Comité technique de planification et de coordination and is to be implemented pending the adoption of the national disarmament, demobilization and reintegration programme.

27. However, the Ituri Interim Administration has not yet succeeded in extending its reach much beyond Bunia. Even within Bunia, armed groups continue to jockey for power and remain a source of instability. In this connection, my Special Representative, William Lacy Swing, met with President Kabila on 24 February to urge him to accelerate steps for the Transitional Government to extend State authority to Ituri. He suggested some urgent measures that could be taken by the Transitional Government, such as the appointment of a governor for Orientale Province and a district commissioner for Ituri and the establishment of an inter-ministerial working group to serve as the Mission's interlocutor on Ituri. Thereafter, during a visit to Ituri from 2 to 3 March, an inter-ministerial delegation from Kinshasa sent a strong message on the inclusion of the district in the broader transitional process, announcing that its administration would transfer from the Ituri Interim Administration to the central government through the appointment of a provincial governor and a district commissioner. The role to be played by the Ituri Interim Administration vis-à-vis the new representatives of the Transitional Government is as yet undefined. The delegation also extended President Kabila's invitation to all the armed groups to visit Kinshasa to resume a dialogue with the Transitional Government and stated that their compliance with the "weapons-free Ituri" policy and the disarmament and community reintegration programme were prerequisites for integration into the Forces armées de la République démocratique du Congo. The delegation also inaugurated the judiciary structures, including the prison, courthouse and police station, which have been rehabilitated by the French Government and the European Commission.

Human rights situation

28. In late January, MONUC received reports that a massacre had taken place in the village of Gobu on the shore of Lake Albert. Inclement weather and the remote geographical location frustrated attempts to reach the village by air, and attempts to reach the village by boat were thwarted when MONUC came under heavy fire from what seemed to be UPC-L militia. The United Nations team that finally reached Gobu by foot on 6 February discovered that most of the population had fled. Preliminary findings of the Mission indicated that an alliance of a Lendu militia and UPC-L was responsible for the mass killing of people who were travelling southward on several boats on 16 January. Although MONUC could confirm only some 30 decaying corpses, more than 200 remained missing out of some 250 people estimated to have been on board. A warrant for the arrest of the local commander who is suspected of having masterminded the massacre was issued by the Bunia "tribunal de grande instance" on 9 February.

Restoration of justice

29. As noted above, to help end impunity and restore Bunia's justice capacity, MONUC and its partners have refurbished the Bunia prison, courthouse, police headquarters and accommodations for judges. On 14 January, MONUC transported national judiciary personnel to Bunia. The judges formally began work on 28 January, and 15 prison staff will take up their duties once the rehabilitated Bunia prison is fully operational. To date, however, the Transitional Government has not released the funds allocated to cover expenses linked to the deployment of judicial staff in Bunia. Meanwhile, the European Commission has paid the first instalment of hazard pay, as agreed with the Transitional Government. In the meantime, MONUC will continue to hold detainees in Bunia on behalf of local authorities until the latter are able to hold them in a secure environment.

30. MONUC has trained 81 police officers on urban law enforcement in Bunia and is providing advisers to support local police in investigations, patrol duties and other functions. The impact of these activities has, however, been limited by the lack of salaries and equipment for local police.

The Kivus

31. Although large-scale fighting in the eastern part of the Democratic Republic of the Congo has mostly come to an end, there have been intermittent skirmishes in the Kivus. This is attributable to the accelerated pace of disarmament, demobilization, repatriation, resettlement or reintegration of Rwandan elements previously incorporated into Mayi-Mayi groups and the repatriation of some prominent Rwandan rebel leaders, which has altered the balance of power among various local groups. MONUC Task Force I has reacted quickly to help restore security where hostilities have erupted and has proactively assisted with disarmament, demobilization, repatriation, resettlement or reintegration, joint assessment missions and humanitarian activities.

Kivu strategy

32. Recognizing the centrality of the Kivus to the peace process and stability throughout the Great Lakes region, owing to their location on the border with Burundi, Rwanda and Uganda, MONUC is developing a multi-pronged strategy to facilitate the extension of State authority to the Kivus while designing comprehensive short- and long-term measures for those provinces. The strategy envisages the implementation of integrated activities relating to security, community relations and economic recovery, taking into account the efforts of other international actors.

33. As part of this effort, MONUC will, from existing resources, establish a Kivu brigade, comprised of the South African-led Task Force I units deployed in North Kivu and a battalion (Uruguay) that is now in the process of being redeployed to South Kivu. This should improve the Mission's command and control in the eastern part of the Democratic Republic of the Congo and create a mission reserve capacity to address urgent contingencies in the area. The forward operations headquarters of the 3,500-person-strong brigade will be based in Bukavu, while support elements will continue to use Kindu as a rear base.

Tensions in Bukavu

34. Despite the improvement of the overall situation in the Kivus, the mounting tensions in Bukavu in February underscored the deep divisions within the Transitional Government, particularly within the presidency, the integrated military high command and local political and military arrangements in Bukavu. A confrontation took place following the discovery of an arms cache at a residence of an associate of the now suspended South Kivu Governor (formerly of the Rassemblement congolais pour la démocratie-Goma (RCD-G)), Xavier Chirimwami Chiribanya, on 3 February. The ensuing firefight between elements loyal to the commander of the tenth military region, Brigadier-General Prosper Nabyolwa (former government component), and those loyal to the Governor's allies resulted in at least two persons being killed. Following mediation by MONUC, the situation was defused and some weapons were handed over to the Mission, which continues to undertake searches for arms. While on 7 February the Council of Ministers suspended Governor Chiribanya, it also decided that that he should not be arrested for the possession of arms.

35. On 22 February, under General Nabyolwa's order, the homes of two former RCD-G officers associated with the suspended Governor were raided. This resulted in the arrest of an RCD-G military officer, Major Kasongo, who was subsequently transferred to Kinshasa, without the acting Governor or the deputy military region commander being informed. It should be noted in this connection that Major Kasongo had been tried by the military court of the former Government of the Democratic Republic of the Congo in absentia for his alleged role in the assassination of President Laurent-Désiré Kabila, which sentenced him to death. The Major's transfer to Kinshasa therefore heightened tensions within the leadership of the tenth military region.

36. In reaction, the RCD-G threatened to withdraw from the transitional institutions if Major Kasongo were not sent back to Bukavu. This, in turn, triggered statements from ministers close to the President and the Mayi-Mayi component of the Transitional Government criticizing the RCD-G and accusing it of "preparing a

third rebellion" in the Kivus. Following an agreement between President Kabila and Vice-President Azarias Ruberwa, MONUC transported Major Kasongo back to Bukavu by MONUC on 25 February, thus helping to stabilize the town.

37. During this period, hard-line elements fomented a campaign claiming that MONUC had not acted in an impartial manner. Extremist propaganda, including pamphlets containing hate messages against MONUC and calling upon the population to attack its personnel, was circulated. Some of the rhetoric appeared to have been orchestrated at the national level, including through the publication of negative articles in some newspapers and television broadcasts in Kinshasa. The spread of hate propaganda against the Banyamulenge ethnic group was also observed. On 8 March, at the request of President Kabila, MONUC transported General Nabyolwa to Kinshasa for consultations.

Other developments in the east

Assembly of Mayi-Mayi elements

38. Since November 2003, in response to a call by the military region commander in Maniema, Mayi-Mayi combatants have assembled, together with their dependants, in Kindu, Lubutu and Punia, despite the lack of a concrete plan for national disarmament, demobilization and reintegration or for the integration of former Mayi-Mayi forces into FARDC and without arrangements for food and accommodation. While some 9,000 Mayi-Mayi fighters are estimated to be assembled to date (3,000 in Kindu, 4,000 in Lubutu and 2,000 in Punia respectively), it should be noted that these figures remain fluid. The Mayi-Mayi have expressed their dissatisfaction to MONUC, primarily because the promises given to them by the military region command regarding their integration in FARDC have not been met. Many have threatened to return to the bush if their concerns are not addressed. The presence of such a large number of armed Mayi-Mayi elements has threatened security, with increased reports of banditry and criminality in the surrounding areas. In a recent case, Mayi-Mayi elements had an altercation with the Kindu police, increasing tensions in the town.

Situation in Katanga

39. Following reports of a possible massacre in Kitenge, MONUC dispatched an investigative team to the area from 19 to 20 February. After interviewing 25 survivors and other witnesses, MONUC determined that several clashes had taken place between two rival Mayi-Mayi factions. One group is understood to have deliberately killed at least 30 civilians and committed particularly horrendous acts of torture, rape, child recruitment and mutilation. The same group is also believed to be behind an attack against former elements of the Forces armées congolaises (FAC), which resulted in the killing of eight persons. In retaliation, ex-FAC elements killed four civilians on 7 February. The recent clashes have resulted in the large-scale displacement of the population from the area. MONUC has so far been unable to travel north to the specific locations where the events took place.

Disarmament, demobilization, repatriation, resettlement or reintegration of foreign combatants and their dependants

40. MONUC is intensifying its activities in the area of disarmament, demobilization, repatriation, resettlement or reintegration in support of the decision of the Governments of the Democratic Republic of the Congo and Rwanda in November 2003 to resolve the problem of Rwandan armed groups by the end of 2004. Since my last report, the pace of repatriation has accelerated, rising from some 2,900 people in November 2003 to 9,658 as at 10 March, in keeping with the Mission's target of achieving 10,000 by the end of April. One of the key reasons for this appears to be that the realignment of all Congolese forces under military region commanders has led to the isolation of Rwandan elements formerly co-deployed with some Mayi-Mayi groups, especially in South Kivu. Furthermore, in December 2003, MONUC for the first time commenced repatriations to Burundi and Uganda. The number of Burundians and Ugandans repatriated stood at 3,085 and 501 persons respectively as at 10 March.

Children associated with armed groups

41. The number of children separating from Congolese armed groups has increased, with at least 650 having entered transit care facilities from October to December 2003. Available figures suggest that more than 300 were reunited with their families. There has also been a sharp drop in reports of the recruitment and re-recruitment of children. However, the willingness of groups to release children on a large scale has yet to be tested, and much will depend on the security environment. Only a small number of those formally released have been girls, despite the fact that many were abducted, particularly for sexual purposes. Special support programmes are being developed for them, and ways of improving advocacy and accessing this particularly vulnerable group are being developed.

42. MONUC has continued to support UNICEF and other child protection partners in facilitating the separation of children from armed groups, including the establishment of new transit care centres. At the same time, the unplanned release of children, particularly by the Mayi-Mayi, has necessitated the development of emergency responses, which have left few resources for setting up reintegration programmes and monitoring returns.

Monitoring the arms embargo

43. While several likely but unconfirmed violations of the arms embargo have been reported, MONUC has been unable to verify the information. Denial of access to inspect aircraft, military facilities or other areas where weapons and arms caches were allegedly stockpiled is one constraint. Another is the relatively limited presence of MONUC in a vast area of difficult terrain. While the Mission's capacity to monitor the flow of arms could be enhanced through the provision of specialized staff, the Mission would also benefit from the provision of relevant information by Member States and special monitoring equipment, which could lead to more focused investigations.

Illegal exploitation of natural resources

44. MONUC has continued to receive reports of the illegal exploitation of natural resources in the eastern part of the Democratic Republic of the Congo. The income generated from the sale of natural resources continues to be used by armed groups to purchase weapons and is a factor in the resistance to the extension of State authority. In the coming months, MONUC will work with other partners to assist the Transitional Government to increase its capacity to effectively control its borders, regulate and manage its natural resources and strengthen customs and revenue administration.

Landmines

45. Although landmines have not been a major problem in the conflict, nearly every province is affected by mines or other unexploded ordnance. With more widespread communication and travel, there is likely to be an increase in incidents involving landmines and unexploded ordnance. The Mine Action Coordination Centre maintains a central mine/unexploded ordnance database and assists in the planning and prioritization of clearance operations. A mine clearance company has also been employed and is working on the road from Bunia to Beni via Komanda. The mine clearance capabilities of MONUC are used in direct support of the Mission, principally in regard to engineering work. The Swiss Foundation for Mine Action has been conducting activities related to the clearance of mines and unexploded ordnance in the Bunia area since January. Such initiatives, however, only partially meet the much broader needs in comprehensively addressing the challenge of clearing mines and unexploded ordnance in the Democratic Republic of the Congo.

IV. Supporting rule of law and respect for human rights

46. The majority of human rights abuses involve violations of the right to security and private property committed by the armed elements, militia members, foreign armed groups and State law enforcement agencies, who are also responsible for killings, torture and inhuman and degrading treatment, including the widespread practice of detaining prisoners in underground cells. Across the Democratic Republic of the Congo, looting, armed robberies, extortions, illegal taxation, arbitrary arrest and illegal detention continued to be key means of subsistence for unpaid soldiers. During the reporting period, MONUC investigated numerous reports of serious human rights abuses against children, including cases of killings, abductions and sexual abuse.

Sexual violence

47. Rape and sexual violence against women and young girls is perpetrated with impunity throughout the Democratic Republic of the Congo. Given the extensive nature of such abuses, MONUC is undertaking a comprehensive study with a view to issuing a report on sexual violence in the country in the coming weeks. While the vast majority of perpetrators of sexual violence are not held accountable, one rare exception was the action of a military court in Mbandaka that sentenced an FAC soldier to 36 months' imprisonment for raping a five-year-old girl.

48. In Beni, Kalemie and Kisangani, MONUC has set up mixed commissions to address sexual violence and to provide medical, legal and psycho-social assistance to victims. It has also organized training seminars in Kisangani and Kalemie aimed at reinforcing local capacity to assist victims. On 8 March, military and civilian MONUC personnel took part in various activities in support of the national campaign against sexual violence.

Truth and Reconciliation Commission

49. From 25 to 28 February, a national consultation on the Truth and Reconciliation Commission was convened in Kinshasa, bringing together 125 participants, including a wide cross-section of the Congolese population from all 11 provinces, parliamentarians, justice sector representatives and national and international experts. With serious daily violations of human rights and a fragile peace, the question of whether the time was right for the Commission was asked by many participants. In this connection, many participants also called for the appointment of apolitical and credible members to the Commission. The Transitional Government, Parliament and others concerned need to take a decision on those issues, as well as on whether the Commission should have amnesty powers, and to ensure a solution that would balance the provisions of the Global and All-Inclusive Agreement on the Transition and the transitional constitution with the current political realities in the Democratic Republic of the Congo. Participants felt that if the Commission were to be established in the midst of those questions, it would be unlikely to have the support of the international community, in particular the international human rights and donor communities.

V. Improving human conditions for sustainable peace

Humanitarian situation and assistance

50. During the reporting period, access to populations in need improved, particularly in the eastern part of the Democratic Republic of the Congo. MONUC assisted humanitarian workers to gain access to vulnerable populations in Ituri, the Kivus, Maniema and Katanga. In particular, MONUC is providing military protection for large-scale humanitarian deliveries to Tubimbi (South Kivu), an area largely inaccessible to humanitarian actors for the last five years. The operation includes a convoy of 36 trucks with 258 tons of food and other goods for about 30,000 people over a two-month period.

51. While reports of significant numbers of new internally displaced persons continued to be received, including some 2,000 to 4,000 in the Bunyakiri district (South Kivu) as a result of activities by the Forces démocratiques de liberation du Rwanda, the situation there has improved significantly due to the deployment of MONUC troops and the quick delivery of food and shelter. However, in Katanga, recent clashes between Mayi-Mayi groups, as well as between a Mayi-Mayi group and soldiers belonging to the former FAC, have resulted in a large-scale displacement of some 10,000 families in that area.

52. MONUC continued to provide logistical assistance to humanitarian agencies addressing crises, as well as to Congolese authorities, where possible. In January and February, following two accidents on the Congo River, MONUC evacuated

around 300 victims to Mbandaka and facilitated the delivery of humanitarian assistance to them.

53. MONUC is also assisting humanitarian actors in addressing the difficult problem of the return of some of the 3.4 million internally displaced persons in the Democratic Republic of the Congo to their areas of origin. MONUC has initiated and developed, with assistance from the Office for the Coordination of Humanitarian Affairs, a mapping system to determine areas of origin of internally displaced persons. MONUC has also participated with the Office for the Coordination of Humanitarian Affairs, and other United Nations and non-governmental organizations (NGO) partners in humanitarian missions to numerous areas of population displacement. The Mission pursued a three-pronged strategy of discussing with internally displaced persons their requirements for return, conducting dialogue with communities in areas of return to prepare the ground for acceptance of internally displaced persons back into their communities and securing agreement from military commanders in the areas of return to ensure the protection of the returnees. United Nations agencies and NGOs are providing short-term assistance to facilitate the sustainable readjustment of the displaced into their communities. To foster dialogue on cross-cutting issues, my Special Representative holds quarterly meetings with international NGOs and monthly meetings with the United Nations country team.

Protection of children

54. MONUC continued to mainstream child protection throughout the work of all its components and to promote appropriate behaviour of MONUC personnel towards children. MONUC also continued to document serious abuses against children and worked towards reinforcing the capacities of local NGOs in this regard. It advocated for an end to impunity and for the treatment of children in accordance with international standards through visits to prisons, courts and police stations and meetings with other authorities. Training specifically related to child protection were given to police and prison officers in Bunia. In collaboration with UNICEF, child protection experts also provided briefings to the officers of the first integrated Congolese brigade now being trained in Kisangani.

55. As internally displaced persons, refugees and those associated with armed groups begin to reintegrate, increased efforts are being made to raise awareness of children's rights in communities. To this end, MONUC and other partners are setting up child protection networks and undertaking other sensitization activities. Child protection agencies have frequently drawn attention to the need for extensive resources to address the basic rights of children to food, health and education, including through the rehabilitation of schools and health care facilities.

HIV/AIDS

56. During the reporting period, MONUC undertook sensitization and training for its international and national staff, and collaborated with the country theme group on HIV/AIDS of the Joint United Nations Programme on HIV/AIDS and the national AIDS control programme. HIV/AIDS-related problems have yet to fully materialize in the Democratic Republic of the Congo, and much work is necessary to

incorporate HIV/AIDS prevention into the national development plan. Estimates are that the pandemic affects between 1.3 and 6.0 per cent of the population, with the Katanga region being hit the hardest. However, there are no available estimates for the eastern part of the Democratic Republic of the Congo, which was badly affected by rape during the conflict.

Gender

57. MONUC continued to monitor and promote women's effective participation in the Transitional Government and Congolese society as a whole. Although increasing attention is being given to women's issues by the Transitional Government, one of the few female ministers was recently replaced by a male after only six months in the Transitional Government. Within MONUC, an appeal to increase the percentage of women serving in military and civilian components has yielded a slight increase, and the number of women serving in the Mission is as follows: civilian police, 4 out of 117 officers (3.4 per cent); military observers, 31 out of 736 (4.2 per cent); and formed units, 146 out of 10,008 (1.5 per cent).

Quick-impact projects

58. MONUC has accelerated the implementation of quick-impact projects, which remain an important tool in supporting local conflict resolution and establishing good relations with the Congolese population. So far, 59 projects ($672,830) have been approved, ranging from community support for disarmament, demobilization, repatriation, resettlement or reintegration to expanding access to social services, rebuilding local infrastructure and fostering economic rehabilitation through small income-generating activities. In Bunia and Kalemie, MONUC, through its quick-impact projects, in partnership with specialized international NGOs, assisted 1,000 female victims of sexual violence and trained local NGOs and women leaders in preventive measures. A pilot project to facilitate the social reintegration of 100 ex-combatants was conducted in Bukavu.

VI. Support and management

Public information

59. The Public Information Division is reinforcing its presence throughout the Democratic Republic of the Congo in order to maximize support for MONUC activities and the transition in the run-up to elections. Through Radio Okapi, MONUC has played an active role in defusing tensions on several occasions, particularly in Bunia, Kisangani, Bukavu and Mbandaka, by providing the population with immediate and credible facts and broadcasting interviews of Transitional Government and MONUC officials. An additional 20 transmitters and 3 mobile radios for disarmament, demobilization, repatriation, resettlement or reintegration operations have been installed to reinforce broadcasting coverage in Mahagi (Ituri), Uvira (the Kivus) and other populated areas in the provinces of Kasai, Équateur, Orientale and Bandundu. Agreements with some local community radio stations are under way to increase the broadcasting of Radio Okapi

programmes in rural areas. To mark International Women's Day on 8 March, a 30-minute video on sexual violence against women was widely disseminated among the local media.

60. New public information offices are scheduled to open in March in Lubumbashi, Mbuji-Mayi and Uvira for community outreach activities and dissemination of MONUC publications and video programmes. A 30-minute video programme on Ituri, as well as a special edition of the MONUC magazine, was disseminated throughout the Democratic Republic of the Congo, while several videos on the disarmament, demobilization, repatriation, resettlement or reintegration process were distributed in Kigali and other offices. In close coordination with MONUC components as well as other partners, sensitization campaigns have been prepared for national projects related to disarmament, demobilization and reintegration in Ituri.

Major activities and efficiency measures

61. Since mid-November, MONUC has continued the eastward deployment of military contingents. The replacement of the Uruguayan contingent in Bunia by the Moroccan contingent from Kisangani has commenced, and the redeployment of the Nepalese contingent to northern Ituri is under way. In the meantime, the additional equipment required for the military contingents to meet the tasks set out in Security Council resolution 1493 (2003) has been deployed and the Moroccan level-II hospital has been relocated from Kisangani to Bunia.

62. To ensure optimal support to the military forces deployed in the east, MONUC has commenced food and fuel resupply operations through Entebbe, Uganda. In addition to enhancing effectiveness, this initiative will achieve cost reductions as the military presence in North Kivu is expanded with the deployment of the Uruguayan battalion. Overcoming the Mission's reliance on resupply by air due to a lack of usable roads in Ituri continues to be a high priority. Road links via Uganda have been established for the Nepalese contingent stationed in northern Ituri, and opening of the Beni-Bunia road to limited vehicular traffic is expected by late May 2004.

VII. Financial aspects

63. The General Assembly, by its resolution 58/259 of 23 December 2003, appropriated an additional $59,038,300.00 in addition to the amount of $582 million already appropriated and apportioned under the terms of its resolution 57/335 of 18 June 2003 for the maintenance of MONUC for the period from 1 July 2003 to 30 June 2004, for a total revised appropriation of $641 million.

VIII. Observations

64. Eight months after the establishment of the Transitional Government, despite initial progress in national reunification, the peace process is facing daunting challenges. The most crucial issue concerns the ability of the transitional leaders to act as a truly unified government and to overcome the persistent atmosphere of distrust. In this connection, while visits to the interior by Transitional Government

and parliamentary delegations have helped to maintain the momentum of the peace process, the Transitional Government will need to do more to unify the war-torn country and lead its people along the path of national reconciliation.

65. Given the delays encountered by the Transitional Government in implementing the Global and All-Inclusive Agreement on the Transition of 17 December 2002, much needs to be accomplished in the coming weeks in order to adhere to the timelines for the transition. The first priority is to enact the legislative framework for security sector reform, disarmament, demobilization and reintegration, extension of State administration and elections and to identify and address problems in ongoing efforts, such as Mayi-Mayi integration into the armed forces. The meeting on security sector reform and disarmament, demobilization and reintegration, convened on 9 February 2004 at United Nations Headquarters, provided a common platform on which the Transitional Government and the international community could work together on these issues. MONUC is actively following up on the understanding reached at the meeting by establishing within the Mission a security sector reform advisory cell, with specialized personnel to be seconded from relevant Member States; by setting up a donor coordination mechanism; and by discussing with other partners the possibility of holding a donors' conference on security sector reform and elections, two major sectors that are not included in the national budget for 2004. In the coming months, I also intend to provide to the Security Council additional recommendations on possible support MONUC could provide for the integration and development of the national police once the necessary decisions are taken by the Transitional Government.

66. Regarding the national elections to be held in 2005, the United Nations, the European Union and international experts have produced a range of options, which have been presented to the Transitional Government. It is very important that the Transitional Government consider these options in a timely, non-partisan and transparent manner, so that preparations for elections, due to be held by June 2005, can begin as soon as possible. Given the ambitious timeline and challenges associated with the elections, it is essential for the Transitional Government to base its decisions on the feasibility, cost-effectiveness and practicality of the options.

67. Clearly, the holding of elections is not a technical exercise or a goal in itself. Establishing the architecture of good governance and extending a single, unified State administration are vital elements in creating conditions conducive to elections. Elections will also require a stable and secure environment in which to conduct campaigns and polls, for which sufficient progress in the disarmament, demobilization, repatriation, resettlement or reintegration of foreign-armed groups and the disarmament, demobilization and reintegration of Congolese combatants will be crucial. The political will of those who will compete in the elections to not exploit the ethnic or regional tensions for electoral gains will also be critical.

68. I remain deeply concerned about continuing reports of massacres and other atrocities committed against civilians, including reports of horrendous widespread sexual violence being used as a weapon of intimidation and war. The Transitional Government must restore the rule of law throughout the country. In this connection, I welcome the recent assessment mission on the judiciary sector conducted by the European Union, and hope that the future efforts of the Union, together with those of MONUC, will assist the Transitional Government in expeditiously strengthening the judiciary and correctional organs of the State. An important and credible Truth

and Reconciliation Commission is also an essential part of the nation-building process.

69. In the coming months, the Transitional Government must do more to extend State administration throughout the Democratic Republic of the Congo and to provide basic services to the population. National economic recovery is also a key factor in consolidating peace in the country. As noted in my second special report on MONUC (S/2003/566 and Corr.1) dated 27 May 2003, a comprehensive approach is necessary to ensure the success of the transition. Progress in centralized revenue collection, sound fiscal management — including the transparency of industrial concessions — as well as developing State capacity to effectively deliver services will be crucial. I call upon Member States with the necessary expertise as well as the Bretton Woods institutions to work closely with the Transitional Government to this end.

70. As the first anniversary of the convening of the Ituri Pacification and Verification Commission approaches, the situation in Ituri continues to be grave. While security has improved in some areas due to the deployment of the United Nations Ituri brigade, in the past two months organized violence against civilian populations and MONUC has increased in other areas. I strongly condemn the hostile attacks — no fewer than 20 since 1 December — by various militia groups against MONUC personnel in Ituri. On 12 February, Major Peter Wachai (Kenya) fell victim to a brazen affront against the international community when a MONUC convoy came under attack by militias near Katoto. I call upon the militias in Ituri to immediately cease hostilities and immediately stop preying on innocent civilians. The United Nations will continue to maintain a robust posture in Ituri.

71. Sustainable peace in Ituri can be established only when a credible local governance structure, strongly backed by the central government, is in place. Unfortunately, the Ituri Interim Administration has not developed into such a structure, and the current involvement of the Transitional Government in Ituri is only at the very symbolic stage. MONUC cannot be expected to fill this vacuum. Yet, it finds itself responsible for managing an extremely volatile region in the absence of a sustainable political process. In this connection, I call upon the Transitional Government to make greater efforts to extend effective administration to Ituri, including particularly in the area of criminal justice. There can be no impunity for the perpetrators of the heinous crimes that have been committed in Ituri.

72. It is regrettable that the pace of the normalization of bilateral relations between the Democratic Republic of the Congo and its neighbours appears to have slowed down. I urge the government of the Democratic Republic of the Congo to respond to the visit of the Rwandan Foreign Minister, Charles Murigande, to Kinshasa by dispatching the Congolese Foreign Minister to Kigali. The exchange of ambassadors between the Democratic Republic of the Congo and its neighbours should also take place without further delay. Only through a cooperative relationship between the Democratic Republic of the Congo and its neighbours will there be a sustainable peace in Central Africa. The international community expects Rwanda and Uganda to play a constructive role, in particular by ensuring, in liaison with the Transitional Government and MONUC, that the armed groups operating in Ituri and the Kivus do not receive support from their territories to continue their campaigns of violence.

73. It is important that the core countries of the region expedite the convening of an international conference on the Great Lakes. The holding of a well-prepared conference could help consolidate the peace process in Burundi and the Democratic Republic of the Congo. Its success is contingent on the formulation by the core countries of realistic and feasible policies and programmes in the four thematic areas of the conference already agreed upon. I call upon the Democratic Republic of the Congo to put in place its National Preparatory Committee and upon all the core countries to speed up the work of their respective National Preparatory Committees.

74. A real opportunity exists to decisively put an end to the conflict in Central Africa. A peaceful Democratic Republic of the Congo, having solid bilateral ties with its neighbours, will benefit not only the region, but also the continent as a whole. We must therefore persevere and assist the Congolese parties throughout the entire transition period. To do so, given the shortcomings of the process thus far, all the actors in the international community, the United Nations, regional States and bilateral and multilateral donors must renew and intensify their cooperation.

75. The onus of ensuring a successful transition lies with the Congolese leaders and the broader Transitional Government. Peace is not yet irreversible — the tasks ahead require the strong commitment of all concerned. While progress has been achieved, the next few months will be critical in ensuring that the transitional process remains on track. In this connection, the increasing factionalism among members of the Transitional Government is disquieting. The Transitional Government — President Kabila, his four Vice-Presidents, ministers and members of Parliament — are all expected to work together to implement fully the Global and All-Inclusive Agreement on the Transition in letter and spirit.

76. In conclusion, I should like to express my gratitude to the Security Council, the countries contributing troops and police to MONUC, members of the International Committee in Support of the Transition and donor countries for their continuing support to the peace process in the Democratic Republic of the Congo. I am also grateful to my Special Representative, his deputies, all MONUC civilian and military personnel, United Nations agencies, international partners and NGOs for their important contributions to the transition in the Democratic Republic of the Congo.

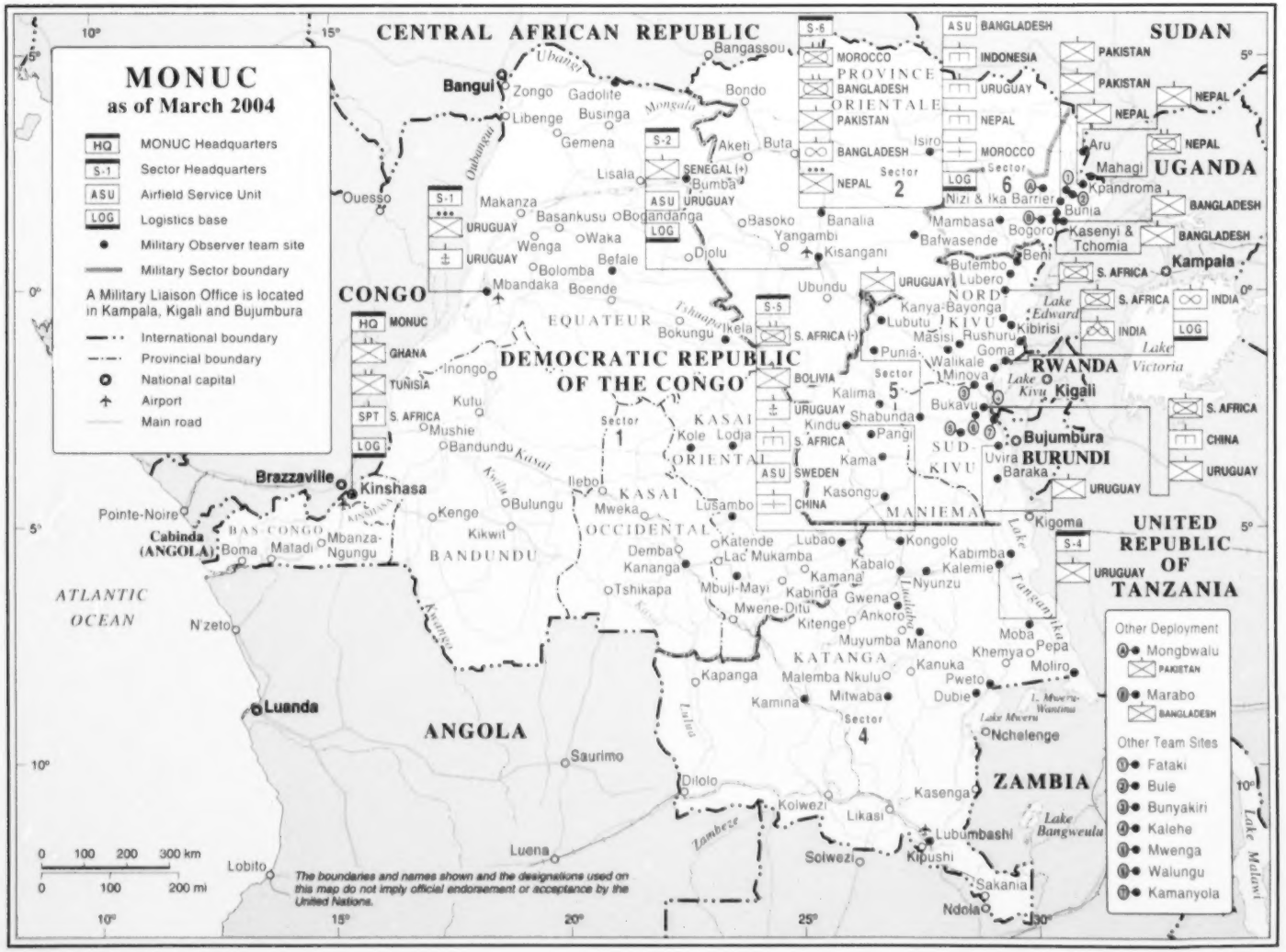
Annex

United Nations Organization Mission in the Democratic Republic of the Congo: military and civilian police strength

(as at 29 February 2004)

	Military component				
Country	*Military observers*	*Staff officers*	*Troops*	*Total*	*Civilian police*
Algeria	11			11	
Argentina				0	2
Bangladesh	16	9	1 301	1 326	
Belgium		5		5	
Benin	25	1		26	12
Bolivia	4	3	202	209	
Bosnia and Herzegovina	5			5	
Burkina Faso	12			12	10
Cameroon	2	1		3	4
Canada		7		7	
Chile			6	6	
China	9	3	218	230	
Côte d'Ivoire				0	10
Czech Republic	4	1		5	
Denmark		2		2	
Egypt	13	15		28	
France	1	4	3	8	12
Ghana	22	2	462	486	
Guinea				0	3
India	33	14	328	375	
Indonesia	9	4	175	188	
Ireland	2	1		3	
Jordan	23	7		30	5
Kenya	27	10		37	
Malawi	21			21	
Malaysia	8	12		20	
Mali	27	1		28	10
Mongolia	2			2	
Morocco	1	3	829	833	4
Mozambique	2			2	
Nepal	17	3	1 225	1 245	
Niger	17	1		18	19
Nigeria	25	2		27	5

Country	Military component				Civilian police
	Military observers	Staff officers	Troops	Total	
Pakistan	20	20	1 052	1 092	
Paraguay	20			20	
Peru	5			5	
Poland	3			3	
Portugal				0	6
Romania	26	1		27	1
Russian Federation	26	1		27	12
Senegal	10	17	460	487	6
Serbia and Montenegro			6	6	
South Africa		11	1 431	1 442	
Spain	2	1		3	
Sri Lanka	2			2	
Sweden	4	2	90	96	4
Switzerland		2		2	
Tunisia	26	6	465	497	
Turkey				0	11
Ukraine	15	1		16	2
United Kingdom		5		5	
Uruguay	29	20	1 752	1 801	
Zambia	17	5		22	
Total	**543**	**203**	**10 005**	**10 751**	**115**



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